

House Bill 1403 (AS PASSED HOUSE AND SENATE)

By: Representatives Jones of the 46th and Jerguson of the 22nd

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating a new charter for the City of Mountain Park, approved March 30, 1982 (Ga. L. 1982, p. 3648), as amended, so as to change certain provisions relating to the number of councilmen; to clarify the manner by which a quorum is defined; to clarify the number of votes required for a motion, resolution, or ordinance to pass; to amend the manner in which vacancies in office are filled; to provide for related matters; to state legislative intent; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Mountain Park, approved March 30, 1982 (Ga. L. 1982, p. 3648), as amended, is amended by revising Section 2.10 as follows:

"Sec. 2.10.

Creation and Composition; Number.

The corporate powers and the municipal government of the City of Mountain Park shall be vested in a mayor and city council. There shall be five members of the city council known as councilmen. The mayor and councilmen shall be elected for the terms of office, at the times, and in the manner provided by general law for the election of municipal officers."

SECTION 2.

Said Act is further amended by revising subsection (a) of Section 2.12 as follows:

"(a) The office of mayor or councilman shall become vacant upon the incumbent's death, resignation, or removal from office as provided by Chapter 2 of Article VI of this charter. The office of mayor or councilman shall also be deemed vacant if the regular election called to fill such office fails to fill such seat; such seat shall be deemed vacant at the beginning of the term for which the regular election was called."

SECTION 3.

Said Act is further amended by revising Section 2.33 as follows:

"Sec. 2.33.

Quorum; Voting.

The mayor, or the mayor pro tempore during the absence or disability of the mayor, and three other councilmen shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote. The affirmative vote of three councilmen shall be required for the adoption of an ordinance, resolution, or motion except when the mayor votes to break a tie, and in that event the affirmative vote of the mayor and two councilmen shall be sufficient for the adoption of an ordinance, resolution, or motion."

SECTION 4.

Said Act is further amended by revising Section 2.41 as follows:

"Sec. 2.41.

Emergency Ordinances.

To meet a public emergency affecting life, health, property, or public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility for its services, or authorize the borrowing of money except as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 60 days following the date upon which it was adopted, but this repeal shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances."

SECTION 5.

Said Act is further amended by revising Section 4.37 as follows:

"Sec. 4.37.

Capital Improvements Budget.

(a) On or before the date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements budget with the mayor's recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency threatening the lives, health, or property of the inhabitants of the city.

(b) The city council shall adopt the final capital improvements budget for the ensuing fiscal year within 60 days after the proposed budget is submitted to the council by the mayor. No appropriation provided for in the capital improvements budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, but the mayor may submit amendments, accompanied by the mayor's recommendations thereon, to the capital improvements budget at any time during the fiscal year. Any such amendments to the capital improvements budget shall become effective only upon the affirmative vote of the city council."

SECTION 6.

Said Act is further amended by revising Chapter 1 of Article VI as follows:

"CHAPTER 1.

GENERAL PROVISIONS.

Sec. 6.10.

Applicability of General Law.

All primaries and elections shall be held and conducted in accordance with the Georgia Election Code, Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

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SECTION 8.

113 All laws and parts of laws in conflict with this Act are repealed.